

# ELECTRONIC CASE FILING LOCAL RULES AND ADMINISTRATIVE GENERAL ORDER

The drafting of the Bankruptcy Court for District of Rhode Island's ECF related Local Rules and Administrative General Order involved a four part strategy:

- BUILD OUR ECF SYSTEM FROM THE GROUND UP
- MINIMIZE AMENDMENT OF THE COURT'S LOCAL RULES
- MAINTAIN FLEXIBILITY AND CREATIVITY IN DRAFTING PROCESS
- IMPLEMENT ECF AS FULLY ELECTRONIC

# ENABLING RULES AND GOVERNING DOCUMENTS

- FEDERAL RULES OF BANKRUPTCY PROCEDURE
  - FED.R.BANKR.P. 5005(a)(2), Filing and Transmittal of Papers
- LOCAL BANKRUPTCY RULES
  - R.I. LBR 5005-1 - Filing and Transmittal of Papers
  - R.I. LBR 5005-4 - Electronic Filing
  - R.I. LBR 1001-1 - Scope of Rules

# ENABLING RULES AND GOVERNING DOCUMENTS (cont'd)

- *Amended* ADMINISTRATIVE GENERAL ORDER ESTABLISHING PROCEDURES FOR FILING, SIGNING, MAINTAINING, AND VERIFYING PLEADINGS AND OTHER DOCUMENTS IN THE ELECTRONIC CASE FILING (ECF) SYSTEM, WITH EXHIBITS A-C
- NEW LOCAL FORMS -- P.3, P.4
- ATTORNEY TRAINING MANUAL
- COPIES WILL BE AVAILABLE AT THE COURT'S WEBSITE ([WWW.RIB.USCOURTS.GOV](http://WWW.RIB.USCOURTS.GOV))

# SCOPE OF ELECTRONIC FILING

- All Pending and Newly Filed Cases and Adversary Proceedings have been assigned to CM/ECF as of April 24, 2003.
- Electronic Filing began officially on October 1, 2003.
- Wave One ECF group included chapter 7 panel trustees, UST and 6 high volume debtor's attorneys.

# REGISTERED USERS AND PASSWORDS

**TIP**

A.G.O. I.D.5

- Acceptance of login and password constitutes:
  - **Waiver of Notice** by first class mail and agreement to receive notice electronically
    - Includes Notices under Fed. R. Bankr.P. 2002(a) as well as Notices of an Order under Fed. R. Bankr.P. 9022.
    - Operates independently of Bankruptcy Noticing Center (BNC) under Fed. R. Bankr.P. 9036
  - **Waiver of Service** by first class mail and agreement to receive service electronically

# SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

- Court's automatically generated Notice of Electronic Filing (NEF) constitutes service of document upon Participants
- Exception - Amendments to the Federal Rules (Fed. R. Bankr.P. 7005, Fed. R. Civ.P.5(b) do **not** permit electronic service of process for purposes of obtaining personal jurisdiction (Rule 7004 service)

**TIP**

A.G.O. II.D

# SERVICE OF DOCUMENTS BY ELECTRONIC MEANS (cont'd)

- Service of Documents in hard copy is required under Fed. R. Bankr.P. 7004 (adversary complaints), and 9016(subpoena);
- Service is effective upon transmission under Fed. R. Civ.P. 5(b)(2)(D) and Fed.R.Bankr.P. 7005(b); and
- E service treated the same as mail for purposes of adding three days to respond under Fed. R. Bankr. 9006(f)



# SIGNATURES

**TIP**

A.G.O. I.D.4.

- USE OF LOGIN AND PASSWORD CONSTITUTES SIGNATURE
- EFFECTIVE FOR RULE 9011 PURPOSES
- THE DISPLAY REQUIREMENT (/S/\_\_\_\_)
- AUTHORIZED AGENT REQUIREMENT

# SIGNATURES UNDER OATH OF DEBTORS OR OTHER INTERESTED PARTIES

- When filing the original petition together with all required schedules and statements in the system-- within 15 days thereafter, the Filing User must file a paper copy of a fully executed **Declaration Regarding Electronic Filing, R.I. Local Form P.3**, which contains the debtor's actual signature under oath.

# SIGNATURES UNDER OATH FOR SUBSEQUENT DOCUMENTS FILED BY DEBTORS OR OTHER INTERESTED PARTIES

- For all other documents requiring original signatures under oath (such as amended schedules, affidavits, etc.), a Filing User must file a paper copy of a fully executed **Declaration Regarding Electronic Filing, R.I. Local Form P.4**, which contains the filers actual signature under oath, within 15 days of the electronic filing.

# RETENTION REQUIREMENTS

- CONSENT ORDERS AND STIPULATIONS -
  - The Filing User shall retain the original, paper copy of the document containing the signatures for a period of one year after the case is closed.
- ONE YEAR FROM CASE CLOSING  
RETENTION PERIOD

**TIP**

A.G.O. II.E.3 & IV C.

# PROPOSED FORMS OF ORDER

**TIP**

A.G.O.IV.B.

- PROPOSED ORDERS SUBMITTED **BEFORE** HEARING SHALL BE FILED WITH THE APPLICATION OR MOTION AS **ONE DOCKET ENTRY (ATTACHMENT TO MOTION)**.
- PROPOSED ORDERS SUBMITTED **AFTER** HEARING PURSUANT TO R.I. LBR 9072-1 SHALL BE FILED ELECTRONICALLY AS A **SEPARATE DOCKET ENTRY** ("PROPOSED ORDER AFTER HEARING").

# CONSENT ORDERS AND STIPULATIONS

- SHALL BE CIRCULATED AND SIGNED CONVENTIONALLY. FILING USER MUST INITIALLY CONFIRM THAT DOCUMENT CONTENT IS ACCEPTABLE TO ALL PERSONS REQUIRED TO SIGN.

**TIP**

A.G.O.IV.C.

# CONSENT ORDERS AND STIPULATIONS (con't)

- ORDER OR STIPULATION BEARING ORIGINAL SIGNATURES OF CONSENTING PARTIES TO BE MAINTAINED BY FILING USER FOR ONE YEAR FROM CASE CLOSING
- THE ELECTRONIC VERSION OF THE DOCUMENT SHALL BE FILED IN THE SYSTEM INDICATING THE SIGNATURES WITH AN /S/ AND PRINTED NAMES OF SIGNATORIES.

# ENTRY OF COURT ORDERS

- ELECTRONICALLY SIGNED ORDERS HAVE THE SAME FORCE AND EFFECT AS CONVENTIONALLY SIGNED ORDERS

TIP

A.G.O. IV.D.



# TRIAL EXHIBITS

- ONLY EXHIBITS AUTHORIZED BY LOCAL RULE SHALL BE SUBMITTED TO THE COURT (i.e. NO EXHIBITS FILED WITH THE COURT FOR MOTIONS FOR RELIEF FROM STAY, R.I. LBR 4001-1(d)).
- **EXHIBITS SHALL BE SUBMITTED IN PAPER COPY ONLY.** THE CLERK'S OFFICE WILL MAINTAIN SAID EXHIBITS SEPARATELY FROM THE ELECTRONIC FILE.

**TIP**

A.G.O.I.G.

# TRIAL EXHIBITS CON'T

- TRIAL EXHIBITS WILL NOT BE IMAGED AND ARE NOT MADE A PART OF THE ELECTRONIC FILE.
- EXHIBITS ARE RELEASED AFTER TRIAL IN ACCORDANCE WITH R.I. LBR 9070-1(d).

# CLAIM EXHIBITS

- EXHIBITS IN SUPPORT OF A PROOF OF CLAIM SHALL BE FILED ELECTRONICALLY, WHENEVER POSSIBLE, AS ONE DOCKET EVENT.
- WHERE EXHIBITS ARE IN PAPER FORM, IT IS PREFERRED THAT SUCH DOCUMENTS BE ELECTRONICALLY IMAGED AND FILED USING THE PORTABLE DOCUMENT FORMAT (PDF).
- THE CLERK'S OFFICE WILL HAVE SCANNING EQUIPMENT AVAILABLE IN THE PUBLIC AREA FOR THIS PURPOSE.

# SEALED DOCUMENTS/CONVENTIONAL FILING

- MOTION TO BE FILED ELECTRONICALLY
- UNDERLYING DOCUMENTS TO BE FILED CONVENTIONALLY
- IF MOTION TO SEAL IS GRANTED, THE CLERK'S OFFICE WILL HOLD THE PAPER UNDER SEAL UNTIL FURTHER ORDER AND SUCH DOCUMENTS WILL NOT BECOME PART OF THE ELECTRONIC CASE RECORD.

**TIP**

A.G.O. III.A.

# PUBLIC ACCESS

- NEW PRIVACY RULES GO INTO EFFECT DECEMBER 1, 2003, WHICH LIMIT THE DISPLAY OF THE DEBTOR'S SSN TO THE LAST 4 DIGITS ONLY.
- DEBTOR WILL SUBMIT, BUT NOT FILE, THE FULL NUMBER TO THE COURT FOR INCLUSION ON THE 341 NOTICE TO ALL CREDITORS.
- CURRENTLY REMOTE ACCESS LIMITED TO USERS WITH A PACER ACCOUNT (FEE BASED)

# CONSEQUENCES OF ELECTRONIC FILING

- E FILED DOCUMENTS OR EVENTS CONSTITUTE ENTRIES ON OFFICIAL DOCKET
- FILING IS DEEMED MADE WHEN ACKNOWLEDGED BY NOTICE OF ELECTRONIC FILING

**TIP**

A.G.O.I.C.

# TECHNICAL FAILURES

- CAUSES:
  - COURT'S WEBSITE INACCESSIBLE
  - PARTICIPANT'S UNANTICIPATED SYSTEM FAILURE
- BACKUP EMAIL SYSTEM IN PLACE TO ADDRESS SYSTEM FAILURES

TIP

A.G.O.I.C.

# CM/ECF TRAINING

- CM (Court Operations Staff) live date:  
**APRIL 24, 2003**
- ECF (External Users) live date for **Wave One Training Group: OCTOBER 1, 2003**
- Wave Two and subsequent waves to begin training **NOVEMBER 2003.**



# CM/ECF TRAINING con't

- Approximately 4 Hour Training Class
- CLE Credits Available
- Mandatory Training in order to receive login and password
- May bring (and strongly encouraged) office support staff

# TRAINING AND REGISTRATION

- Registration Forms available on-line or in Clerk's Office public area.
- Logins and Passwords to Train Database given after training class.
- Separate classes for Debtors attorneys and Creditors attorneys.